

FILED

2015 JUN -8 PM 3:11

CLARK COUNTY, TEXAS  
CLARK COUNTY, TEXASPETITION: SMALL CLAIMS CASECASE NUMBER (Court Use Only): 32SC-15175Plaintiff(s): David E. MackAddress: 7720 McCallum Blvd. #2099

|               |              |              |                     |
|---------------|--------------|--------------|---------------------|
| <u>Dallas</u> | <u>Texas</u> | <u>75252</u> | <u>972-735-9642</u> |
| City          | State        | Zip          | Phone               |

VS.

Defendant(s): Midland Credit Management, Inc.Address: 8875 Aero Drive, Suite 200

|                  |           |              |                     |
|------------------|-----------|--------------|---------------------|
| <u>San Diego</u> | <u>CA</u> | <u>92123</u> | <u>800-825-8131</u> |
| City             | State     | Zip          | Phone               |

COMPLAINT: The basis for the claim which entitles the plaintiff to seek relief against the defendant is:

Plaintiff received a call on his wireless phone on December 24, 2013 at 8:54 AM from the Defendant who used ATDS capable equipment to call his wireless phone number 682-560-1675 from 877-237-0512 without Plaintiff's express consent to do so in violation of the Telephone Consumer Protection Act (TCPA) 47 U.S.C. § 227 et. seq.

**RELIEF:** Plaintiff seeks damages in the amount of \$1500, and/or return of personal property as described as follows (be specific): \_\_\_\_\_, which has a value of \$\_\_\_\_\_. Additionally, plaintiff seeks the following: all costs of this action including but not limited to, any attorney's fees.

**SERVICE OF CITATION:** Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

Corporation Service Company d/b/a/ CSC - Lawyers Incorporating Service Company, 211 E. 7th St.  
Austin, TX 78701

If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please check this box, and provide your valid email address:

David E. Mack  
Petitioner's Printed Name



Signature of Plaintiff or Attorney

**Defendant's Information (If known):**  
 Date of Birth: \_\_\_\_\_  
 Last 3 Numbers of Driver's License: \_\_\_\_\_  
 Last 3 Numbers of SSN: \_\_\_\_\_  
 Defendant's Phone Number: 800-825-8131

7720 McCallum Blvd. #2099  
 Address of Plaintiff or Attorney  
Dallas      Texas      75252  
 City              State              Zip  
972-735-9642  
 Phone Number/Fax Number

AFFIDAVIT OF MILITARY STATUS OF DEFENDANT(S)  
CAUSE NUMBER: 32-SC-15-175

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David E. Mack, PLAINTIFF §  
VS. §  
Midland Credit Management, DEFENDANT §

IN THE JUSTICE COURT  
PRECINCT 3-2  
COLLIN COUNTY, TEXAS

My name is [please print] David E. Mack.

I am [check one]  the plaintiff or  an authorized agent of the plaintiff in the case described above. I am capable of making this affidavit. I have been duly sworn on oath and the facts in this affidavit are within my personal knowledge and are true and correct.

[check or fill in as applicable]

1. No defendant in this case is on active duty in the U.S. military (Army, Navy, Air Force, Marines or Coast Guard). The facts on which I base my conclusion are as follows:  
The Defendant is a corporation and cannot serve in the U.S. Military

2. Defendant [insert name(s)] \_\_\_\_\_ is on active duty in the U.S. military.

3. Defendant [insert name(s)] \_\_\_\_\_ has been deployed by the U.S. military to a foreign country.

4. Plaintiff and the undersigned (if the undersigned is acting agent of plaintiff) are not able to determine whether any defendant is in the U.S. military – except for any defendant named in 2 above.

5. Plaintiff and the undersigned (if the undersigned is acting as an agent of plaintiff) are not able to determine whether any defendant who is in the U.S. military has been deployed to a foreign country – except for any defendant named in 3 above.

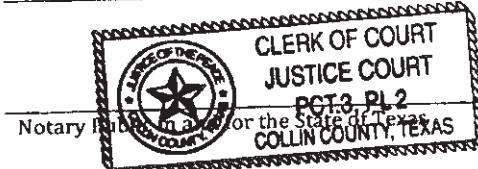
6. Defendant [insert name(s)] \_\_\_\_\_ has signed, while on active duty, a *separate written waiver* of his or her rights under the U.S. Servicemembers Civil Relief Act of 2003.



Alfiant

Swear to and subscribed before me on this the 8<sup>th</sup> day of June, 2015.

(Judge/Clerk)  
Justice Court, Precinct 32  
Collin County, Texas



## JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

CAUSE NUMBER (FOR CLERK USE ONLY): 32SC-15-175

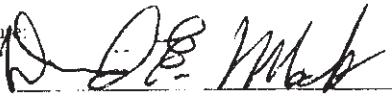
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STYLED David E. Mack v. Midland Credit Management, Inc.

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

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A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. This sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

|   |                                   |  |
|---|-----------------------------------|--|
| <b>1. Contact information for person completing case information sheet:</b>   |                                   | <b>2. Names of parties in case:</b>  |
| Name:<br><u>David E. Mack</u>   | Telephone:<br><u>972-735-9642</u> | Plaintiff(s):<br><u>David E. Mack</u>  |
| Address:<br><u>7720 McCallum Blvd. #2099</u>  | Fax:                              | Defendant(s):<br><u>Midland Credit Management, Inc.</u>  |
| City/State/Zip:<br><u>Dallas TX 75252</u>   | State Bar No:                     | [Attach additional page as necessary to list all parties]  |
| Email:<br><u>mack2001@swbell.net</u>  |                                   |  |
| Signature:<br>  |                                   |  |
| <b>3. Indicate case type, or identify the most important issue in the case (select only 1):</b>   |                                   |  |
| <input type="checkbox"/> <b>Debt Claim:</b> A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.   |                                   | <input type="checkbox"/> <b>Eviction:</b> An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any. |
| <input type="checkbox"/> <b>Repair and Remedy:</b> A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any. |                                   | <input checked="" type="checkbox"/> <b>Small Claims:</b> A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.                               |